

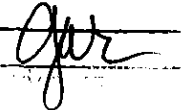
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Kim Smith :
Plaintiff : Civil Action No. 1:01-0817
 :
 :
 : (Caldwell, D.J.)
 v. : (Mannion, M.J.)
 :
 :
 :
 James Morgan, et al., :
 Defendants :
 :
 :
 :
 :

FILED
SCRANTON

AUG 15 2003

PER



MOTION FOR ENLARGEMENT OF TIME

AND NOW, comes Kim Smith Plaintiff and a lay person not lettered inn legal matters and without the aid of counsel, prays a less stringent standard be applied to this pro-se request for enlargement of time in which to file a reply to Magistrate Judges Report and Recommendation dated 8-07-03, avers the following:

1. That a Mr. Miller found it to restrict diabetic plaintiff time for exercise and dictate to plaintiff when he could get his exercise period per day. That plaintiff did not have a five day a week job. That evening exercise session are only for those who have five day a week jobs, and has since practiced this policy, even though plaintiff knows of a number of inmates that do not have a five day a week job and are on the evening session. As it is plaintiff goes to computer aided drafting classes all morning and used his afternoons for litigational efforts in the law library, and Mr. Miller also went on to state that an inmates litigational efforts are not considered in this issue, see the attached request slip.

2. As it is plaintiff is only permitted 4 days a week in law library to do his research and type his legal documents for 1 hour and 45 minutes which is not enough time for plaintiff to do his research on this issue, and plaintiff also has several other

litigational efforts that needs his attention.

It is respectfully requested a 60 day enlargement of time, to file plaintiff's reply to report and recommendation.

It is also requested that upon plaintiff's release when and if this takes place he is permitted to amend his complaint to include expert witnesses, and obtain affidavits of cell mates while in RHU at S.C.I.S., regarding the practiced policy in which the power in cells were turned off. As it is plaintiff has been subjected to due process violation based on the Board issuing a green sheet setting forth concise reason why parole was not decided in March 2002, and the board has since practiced a policy that is not consistent with the parole act, as a concise statement of reason is not a parole decision. In as much when plaintiff applied for parole March 2003 after being advised to do such by a Ms. Selvey, he was denied to have his application processed. And as of this date he still has not seen or heard form the board, so at this time there is no telling when plaintiff would be afforded the right to see specialist for his condition, since all request by other doctor for plaintiff to be seen by a specialist has been denied by medical staff and the D.O.C. as being not a necessity, which leaves plaintiff at the hand of a medical staff who main concern is to cut cost of health care and they apply a stragey and theoretical approach to health care. As this being the only medical staff a prisoner is afforded to see, as without the input of other medical professional it is hard to state and determine what is to be determined adequate health care. Moreover it is deliberate indifference to treat cyst with a knee brace or sleeve as internal cyst need to be drained, and a person does not have to be a medical professional to see the need for treatment. Additional time and research is needed.

Date: 8-11-03

Respectfully Submitted

[Signature]

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Kim Smith
Plaintiff

v.

James Morgan, et al.
Defendants

CERTIFICATE OF SERVICE

I Kim Smith do hereby certify that on the 11 day of August 2003 I place in block mail box envelopes containing plaintiff's motion for enlargement of time, to be forwarded to the below listed person by way of first class mail by the United States Postal Service, satisfying service requirements.

Office of the Clerk, United States District Court, Middle District of Pennsylvania

John J. Talaber Esq. Pennsylvania Dept. of Correction, 55 Utley Dr., Camp Hill Pa. 17011

James D. Young, ESq., 225 Market St. Suite 304, P.O. Box 1245, Harrisburg Pa.
17108-1245

Kim Smith CT-2162, 1 Kelley Dr., Coal Township, Pa. 17866-1021

Date: 8-11-23



Kimberly A. Smith
Plaintiff

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Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Activities Department</i>		2. Date: <i>5-26-03</i>	
3. By: (Print Inmate Name and Number) <i>Kim Smith CTS162</i> <i>Kim Smith</i> Inmate Signature		4. Counselor's Name <i>Mr. Grosser</i>	
6. Work Assignment <i>U/A</i>		5. Unit Manager's Name <i>Mr. Charney</i>	
		7. Housing Assignment <i>D-2-55</i>	
8. Subject: State your request completely but briefly. Give details. <i>Could please have F.O. Return session M-W-F</i> <i>at 19:00</i>			
<i>Thank you</i>			
9. Response: (This Section for Staff Response Only)			
<p>YOU MUST HAVE A FIVE DAY A WEEK JOB DURING THE DAY TO GET IN A NIGHT SESSION. PLEASE SELECT A DAY TIME SESSION AND WRITE BACK.</p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print Sign

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Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title) 		2. Date: 6-3-03	
3. By: (Print Inmate Name and Number) Kim Smith CT-2162 1 _____ Inmate Signature		4. Counselor's Name Mr. Moser	
		5. Unit Manager's Name Mr. Chesney	
6. Work Assignment U/A		7. Housing Assignment D--2-55	
8. Subject: State your request completely but briefly. Give details. Sir: I'm requesting placement on the FO session at 19:00 M,W,F. As it is I go to School in the A.m all a.m. in Computer Aided Drafting, CAD and I use the Afternoons to do law work on the 16 open case I have in state and federal court. Moreover on the board on the block it does not state that I must have a 5 day a week job to get on either night sessorins. Would you please provide me with a copy of this policy thank you: 			
9. Response: (This Section for Staff Response Only)			
<p><i>Law Library is not a valid reason for an evening session.</i></p> <p><i>THIS IS NOT POLICY, THIS IS A DEPARTMENT PROCEDURE INMATES THAT WORK AN 8-4 JOB HAS NO OTHER TIME TO ATTEND. YOU HAVE A CHOICE EITHER GO TO LAW LIBRARY, OR MISS IT. LAW LIBRARY HAS TWO SESSIONS IN AFTERNOON 1300 / 1430 IN WHICH YOU CAN SIGN UP FOR.</i></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

CC: Mrs. CHISHOLM
MR. CORTEZ

Staff Member Name

Print

1. *K. M. D. G. M. E.*

Sign

Date 6-3-03

Name Kim Smith
 Number 212162
 1 Kelley Drive
 Coal Township, PA 17866-1021

RECEIVED
 AUG 15 2003
 DELIVERED



Office of the District Court
 United States District Court
 Middle District of Pennsylvania
 U.S. Courthouse
 335 N. Washington Ave. Rm 433
 P.O. Box 1148
 Harrisburg, Pa 17101-1148

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